

3. A Substitute Declaration executed by all of the originally named inventors except Tetsuo OISHI; and

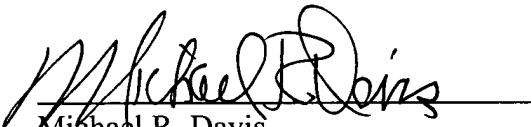
4. The written consent of the sole Assignee, National Institute for Materials Science.

Since all of the actual inventors named in JP '578 are the same as all of the inventors named in the present application, the reference is not available as prior art against the present invention, because it was published April 23, 2003, within one year prior to the filing date of April 23, 2004 for the PCT application on which the present US application is based. For this reason alone, the rejection based on this reference should be withdrawn.

Accordingly, the present application is considered to be in condition for allowance, and such allowance is solicited.

Respectfully submitted,

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